

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ROBBIE E. MILLER,

Plaintiff,

VS.

JACKSON STATE PRISON, *et al.*,

Defendants.

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NO. 5:17-CV-153-MTT-MSH

ORDER

Pro se Plaintiff Robbie E. Miller, who is confined at the Jackson State Prison in Jackson, Georgia, filed a complaint under 42 U.S.C. § 1983 (ECF No. 1). On April 21, 2017, the Court advised Plaintiff in a “notice of deficiency” that in order to proceed with this action, he must either pay the \$400.00 required filing fee or submit a properly completed motion for leave to proceed *in forma pauperis*. The notice gave Plaintiff twenty-one (21) days to comply with the notice and further advised Plaintiff that if he did not comply, his action could be dismissed.

The response time passed, and Plaintiff failed to respond. Accordingly, the United States Magistrate Judge ordered Plaintiff to respond and show cause why his lawsuit should not be dismissed for failure to comply with the Court’s orders and instructions. Plaintiff’s response was due within twenty-one (21) days of the date of the order, and Plaintiff was advised that failure to respond would result in dismissal of his Complaint for failure to comply. ECF No. 7 at 1-2.

The time for responding to the Show Cause Order has passed, and Plaintiff has still failed to file any response. Because the Plaintiff has failed to comply with the Court's orders and instructions or otherwise prosecute his case, and because the relevant statute of limitations will not bar the refiling of Plaintiff's claims if he acts promptly to take such action, his Complaint is **DISMISSED WITHOUT PREJUDICE**. *See* Fed. R. Civ. P. 41; *see also Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir.1978)).

SO ORDERED, this 16th day of August, 2017.

S/ Marc T. Treadwell
MARC T. TREADWELL
UNITED STATES DISTRICT JUDGE